

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) or Patentee(s): Y. Tom Tang, Ping Zhou, Chenghua Liu, Vinod Asundi, Jie Zhang, Feiyan Ren, Rui-hong Chen, Qing A. Zhao, Aidong J. Xue, Yonghong Yang, Tom Wehrman, Jian-Rui Wang, Yunqing Ma, Dunrui Wang, John Tillinghast, Radoje T. Drmanac

Application No. or Patent No.: Not Yet Assigned

Filed or Issued: Herewith

For: NOVEL NUCLEIC ACIDS AND POLYPEPTIDES

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 CFR § 1.9(f) AND 1.27(c)) - SMALL BUSINESS CONCERN

I hereby declare that I am

- ☐ The owner of the small business concern identified below:
☒ An official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN: HYSEQ, INC.
ADDRESS: 670 Almanor Avenue
Sunnyvale, CA 94085

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR § 121.12, and reproduced in 37 CFR § 1.9(d), for purposes of paying reduced fees under § 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to, and remain with, the small business concern identified above with regard to the invention, entitled NOVEL NUCLEIC ACIDS AND POLYPEPTIDES by inventors, Y. Tom Tang, et al. described in

- ☒ The specification filed herewith.
☐ Application Serial No. [], filed [Date].
☐ Patent No. [], issued [Date].

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below¹ and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR § 1.9(c), or by any concern which would not qualify as a small business concern under 37 CFR § 1.9(d) or a nonprofit organization under 37 CFR § 1.9(e).

Full Name: _____

Address: _____

☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate (37 CFR § 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of person signing: Mark E. Gitter

Title of person
other than owner: Chief Financial Officer

Address of person signing: HYSEQ, INC.
670 Almanor Avenue
Sunnyvale, CA 94085

Signature: _____

Date: _____

Mark E. Gitter
7-18-00

¹NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR § 1.27)

DECLARATION FOR PATENT APPLICATION AND POWER OF ATTORNEY

As [a] below named inventor(s), I/we hereby declare that:

Y. Tom Tang, Ping Zhou, Chenghua Liu, Vinod Asundi, Jie Zhang, Feiyan Ren, Rui-hong Chen, Qing A. Zhao, Aidong J. Xue, Yonghong Yang, Tom Wehrman, Jian-Rui Wang, Yunqing Ma, Dunrui Wang, John Tillinghast, Radoje T. Drmanac

My/our residence, post office address and citizenship is/are as stated below next to my/our name(s).

I/we believe I/we am/are an/the original, first and sole/joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: NOVEL NUCLEIC ACIDS AND POLYPEPTIDES, the specification of which

 X is attached hereto.

 was filed on [date] as Application Serial Number []
and was amended on [date].

I/We hereby state that I/we have reviewed and understand the contents of the above-identified specification, including the claims as amended by any amendment referred to above.

I/We acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56(a).

I/We hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate, listed below and so identified, and I/we have also identified below any foreign application for patent or inventor's certificate on this invention filed by me or my legal representatives or assigns and having a filing date before that of the application on which priority is claimed:

NUMBER	COUNTRY	DAY/MONTH/ YEAR FILED	PRIORITY CLAIMED - YES OR NO

I/We hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I/we acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

SERIAL NUMBER	FILING DATE	STATUS
09/560,875	April 27, 2000	Pending
09/496,914	February 03, 2000	Pending

I/We hereby declare that all statements made herein of my/our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I/We hereby appoint the following attorneys and agents, with full power of substitution and revocation, to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith and request that all correspondence and telephone calls with respect to this application be directed to Petrina S. Hsi, HYSEQ, INC., 670 Almanor Avenue, Sunnyvale, CA 94085, Telephone No. (408) 524-8100:

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Inventor's signature: _____ Date: _____

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